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Attorneys for Plaintiffs
9 ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.
10

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**
14

15 ELASTICSEARCH, INC., a Delaware
corporation, and ELASTICSEARCH B.V., a
16 Dutch corporation,

17 Plaintiffs,

18 v.

19 FLORAGUNN GmbH, a German corporation,

20 Defendant.
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Case No. 4:19-cv-05553-YGR

**DECLARATION OF DR.
MARTIN WALKER IN SUPPORT
OF PLAINTIFFS
ELASTICSEARCH, INC. AND
ELASTICSEARCH B.V.'S
MOTION FOR SANCTIONS
AGAINST FLORAGUNN
REGARDING HENDRIK SALY**

1 I, Martin Walker, declare as follows:

2 1. I serve as a technical expert retained by plaintiffs. I make this declaration based on
3 my own personal knowledge. If called as a witness, I could and would testify under oath to the
4 matters set forth herein.

5 2. I received my Bachelor of Science degree in Electrical Engineering from the
6 Massachusetts Institute of Technology in 1973. I then received my Master of Science and Doctor
7 of Philosophy degrees in Electrical Engineering in 1976 and 1979 from Stanford University. I
8 have 35 years of experience in design complex software systems. In particular, I have designed
9 built and tested software and hardware components. I also have 15 years' experience in analyzing
10 or reverse engineering of complex software systems. My career in consulting on technology
11 issues in general and litigation in particular began in 2001. Since that time, I have been engaged
12 in more than 30 projects in the field of complex software systems.

13 3. Source code control systems are used to track, at least, what changes are made to
14 source code, by whom, and when. floragunn uses a source code control system for its products. I
15 understand that the only source code control system floragunn has used from late 2019 to the
16 present is GitLab. That system is available publicly at <https://git.floragunn.com>.

17 4. I understand that during his deposition on October 28, 2021, Jochen Kressin
18 testified that floragunn redistributed Java programming language tasks from Hendrik Saly to
19 Sergei Bondarenko and Mikael Gustavsson.

20 5. During the week of November 8, 2020, I analyzed all of the GitLab source code
21 control records for floragunn's products available at <https://git.floragunn.com> (the "Floragunn
22 Records").

23 6. The Floragunn Records are segmented into 14 different groups known as
24 repositories. I considered all branches from each of the 14 repositories.

25 7. The Floragunn Records reflect the following activity by Sergei Bondarenko:

- 26 a. He made 18 contributions (or "commits" as GitLab refers to them) in the
27 search-guard-docs repository, all under the sergibondarenko@gmail.com
28

1 account.

2 b. He made 1342 commits to the search-guard-kibana-plugin repository: 23
3 under the sbondarenko@floragunn.com account and 1319 under the
4 sergibondarenko@gmail.com account.

5 c. He made 26 commits to the search-guard-labs repository, all under the
6 sergibondarenko@gmail.com account.

7 8. The Floragunn Records do not reflect any other commits by Mr. Bondarenko.

8 9. The Floragunn Records reflect the following activity by Mikael Gustavsson:

9 a. He made six commits in the search-guard-docs repository: three under the
10 micael.gustafsson@gmail.com account and three under the
11 mickeg@gmx.de account.

12 b. He made 835 commits to the search-guard-kibana-plugin repository: 832
13 under micael.gustafsson@gmail.com accounts and three under the
14 mickeg@gmx.de account.

15 10. The Floragunn Records do not reflect any other commits by Mr. Gustavsson.

16 11. According to the Floragunn Records, there are no materials written in the Java
17 programming language in any of the three repositories that reflect commits by Mr. Bondarenko
18 and/or Mr. Gustavsson: search-guard-docs, search-guard-kibana-plugin, and search-guard-labs.
19 Although other repositories in the Floragunn Records include materials written in the Java
20 computer language, none of those repositories reflects any commits by either Mr. Bondarenko or
21 Mr. Gustavsson.

22 12. Accordingly, the Floragunn Records do not reflect any work by Mr. Bondarenko
23 or Mr. Gustavsson in the Java programming language.

24 13. Attached as **Exhibit A** to this declaration is the script that I used to query the
25 Floragunn Records.

26 14. Attached as **Exhibit B** to this declaration is the printout of the results of running
27 my script on the Floragunn Records.

28 DECLARATION ISO FLORAGUNN'S ADMIN. MOT. TO SEAL

Case No. 4:19-cv-05553-YGR

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was executed on November 12, 2021 at Woodside,
3 California.

4 
5 /s/
6 Martin Walker
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DECLARATION ISO FLORAGUNN'S ADMIN. MOT. TO SEAL

Case No. 4:19-cv-05553-YGR

EXHIBIT A

```
for r in checksum-maven-plugin search-guard search-guard-custom-modules
search-guard-docs search-guard-enterprise-modules search-guard-helm
search-guard-kibana-plugin search-guard-labs search-guard-ssl search-guard-suite
search-guard-suite-enterprise search-guard-tlstool sgctl tcnative-docker
do
    echo -----
    echo $r
    echo -----
    cd $r
    git log --all . | grep '^Author' | sort | uniq -c | sort -n | sed
's/Author: //'
    cd ..
done
```

EXHIBIT B

checksum-maven-plugin

```

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search-guard

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```

search-guard-custom-modules

```

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```

search-guard-docs

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